

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate Number:
[UNDER SEAL]

09197

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APPLICATION AND AFFIDAVIT FOR SEARCH WARRANTS

I, James W. Kilpatrick, being duly sworn, depose and state:

1. I am a Special Agent (SA) with United States Immigration and Customs Enforcement (ICE). I have been employed as a Special Agent for ICE and its predecessors since September 23, 2001. I am currently assigned to the Resident Agent in Charge in Pittsburgh, Pennsylvania. As part of my duties, I investigate violations of federal law, including the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2252 and 2252A, which criminalize, among other things, the possession, receipt, and transmission of child pornography. I have gained expertise in the conduct of such investigations through training classes, many discussions with fellow law enforcement agents, and everyday work related to conducting these types of investigations. In addition, I have participated in the execution of approximately 100 search warrants, of which approximately seventy (70) have involved child exploitation and/or child pornography offenses. I am a trained and certified computer forensic examiner. As a result of my work

experience noted herein, I have observed numerous images and videos depicting minors engaged in sexually explicit conduct as those terms are defined in 18 U.S.C. § 2256.

2. This affidavit is submitted in support of an application for search warrants for certain internet-based email accounts. The accounts to be searched are - (1) millardmynname@gmail.com [gmail], dee73ccol@gmail.com [gmail], uaw137ccw@yahoo.com [yahoo], grancepsmagic@yahoo.com [yahoo], ddd11177@yahoo.com [yahoo], and dereksroom@hotmail.com [hotmail]. A gmail account is a service provided by Google, 1600 Amphitheater Parkway, Mountain View, CA 94043. A yahoo account is a service provided by Yahoo, 701 First Avenue, Sunnyvale, CA 94089. A hotmail account is a service provided by MSN Hotmail, 1065 La Avenida Building 4, Mountain View, CA 94043.

Probable Cause

3. In February 2008, I participated in an investigation of CW1 for child pornography distribution and possession offenses. The February 2008 investigation involved the service of a federal search warrant at CW1's residence as a result of which his computer containing over 1,000 images of child pornography was seized and CW1 was arrested by myself and other agents. During the next few months, CW1 agreed to and did cooperate in my investigation of the use of the internet to distribute, receive, and possess child

pornography. CW1 is known to me, I have had the opportunity to discuss child pornography trafficking with him in person on several occasions, and many of his statements to me have been corroborated by the contents of the hard drive of his computer and by what I have personally observed on the internet as described in more detail below. CW1 is facing a potential federal sentence of many years in prison and, as a result, likely has a desire to receive some kind of sentencing credit for his cooperation. CW1, however, has not been promised any such credit.

4. CW1 informed me during my discussions with him that he used the internet extensively to distribute, receive, and possess child pornography. According to CW1, there is a group of child pornography traffickers who use a social networking internet service called multiply.com to distribute, receive, and possess child pornography. This group is largely administered by a person known to CW1 as "Stephen" who serves as, among other things, the group's security officer. Stephen vets potential new members to the group and advises other members on group membership and safety practices. As a result of Stephen's instrumental role in the functioning of the group, the group can accurately be called "Stephen's Group". It should be noted that Stephen's Group is a private, closed group of multiply.com users who rely upon the many privacy features of multiply.com to closely control access to their

individual multiply.com pages and the content contained thereon. Based upon my investigation of Stephen's Group detailed herein, I am aware that Stephen's Group is dedicated to the trafficking of child pornography and does not appear to have any purpose that is not related to the sexual exploitation of children.

5. During a six-week period from the end of April 2008 to the beginning of June 2008, I was able to view many of the pages of the members of Stephen's Group through the execution of two federal search warrants. The pages contained prolific amounts of obvious child pornography and strongly corroborated the statements made to me by CW1 establishing that Stephen's Group on multiply.com is private and member-restricted, is dedicated to trafficking child pornography, and is supported by textual communication between members who appear to have some level of familiarity with each other.

6. During the fall of 2008, I personally interviewed CW2 following his arrest in another federal district. Prior to my contact with CW2, I was aware of his multiply.com identity as a result of my investigation of Stephen's Group detailed above. My interview with CW2 confirmed that CW2 was one of the primary members of Stephen's Group. CW2 stated that he was one of the top six members of the group. He referred to the group as "the Circle", and noted that Stephen played a central role in

maintaining the security and membership of the group. CW2 informed me that, while the group relies largely upon multiply.com for its existence and operation, its members also use other internet services, such as email, to communicate with each other. It should be noted that a lengthy text file was found on CW2's computer that appears to contain, among other things, "cut & paste" portions of communications between group members containing ongoing rosters of the group membership and other information related to continuing operation of the group. These communications indicate that group members have used email accounts separate from multiply.com to communicate with each other.

7. Following my interview of CW2, as a result of which I was able to identify over 100 multiply.com identities of members of Stephen's Group/the Circle, a federal search warrant was obtained for the content on the servers of multiply.com associated with the multiply.com identities. Multiply.com responded to the federal search warrant and supplied a hard drive to me containing digital data in February 2009 containing a very large amount of, among other things, child pornography. This data was located on its servers since November 1, 2008. The data pertained to multiply.com identities of members of Stephen's Group/the Circle. Some of these identities are "millardmyname", "doc73col", "hilljce", "mayan2012", "mrtinkertrain", and "blaked". The data supplied to me by

multiply.com confirmed that since November 1, 2008, the multiply.com pages associated with the identities listed in the preceding sentence contained child pornography.

8. The data supplied by multiply.com also revealed non-multiply.com email addresses associated with the identities listed in the preceding paragraph. The email address for the Stephen's Group/the Circle member known as millardmyname is millardmyname@gmail.com - this member is believed to be Stephen. The email address for the Stephen's Group/the Circle member known as doc73col is doc73col@gmail.com. The email address for the Stephen's Group/the Circle member known as hilljce is uaw137ccw@yahoo.com. The email address for the Stephen's Group/the Circle member known as mayan2012 is orangepopmagic@yahoo.com. The email address for the Stephen's Group/the Circle member known as mrtinkertrain is ddd11177@yahoo.com. The email address for the Stephen's Group/the Circle member known as blaked is dereksrcon@hotmail.com.

9. As noted above, CW2, as well as the information contained on the text file removed from his computer, confirmed that the members of the group communicate with each other using non-multiply.com email addresses. In addition, the email addresses listed above were digitally on file with multiply.com as part of the subscriber information pertaining to the multiply.com

identities listed above. There is probable cause to conclude that the contents of the accounts associated with the email addresses listed above contain information relating to the sexual exploitation of children, and/or Stephen's Group/the Circle, and/or the actual identities and geographic locations of the people associated with the multiply.com identities and non-multiply.com email addresses.

10. This application seeks a warrant to obtain copies of all emails, messages, and other information and electronic data that may be found on the Google servers which pertain to the following gmail accounts: millardmyname@gmail.com, doc73col@gmail.com. This application also seeks a warrant to obtain copies of all emails, messages, and other information and electronic data that may be found on the Yahoo servers which pertain to the following yahoo accounts: uaw137cow@yahoo.com, orangebobmagic@yahoo.com, dd111177@yahoo.com. This application also seeks a warrant to obtain copies of all emails, messages, and other information and electronic data that may be found on the MSN Hotmail servers which pertain to the following hotmail account: dereksroom@hotmail.com.

Stored Wire and Electronic Communication Access

11. Title 18, United States Code, Chapter 121, Sections 2701 through 2712, is entitled the "Stored Communications Act" ("SCA"). Section 2703 of the SCA sets forth the procedure that federal and

state law enforcement officers follow to compel disclosure of various categories of stored electronic information from service providers. This application is made pursuant to the Stored Communications Act and the Federal Rules of Criminal Procedure.

Search Procedure

12. To ensure that agents search only those computer accounts and/or files described in Attachment A (incorporated by reference herein), this affidavit and application for search warrant seeks authorization to permit the service provider's employees to assist agents in the execution of the warrant. To further ensure that agents executing this warrant search only those computer accounts and/or files described in Attachment A, the following procedures will be implemented:

a. The officer executing this warrant shall effect service by any lawful method, including faxing the warrant to the service provider's offices.

b. To minimize any disruption of computer service to third parties, the officer executing this warrant shall direct the service provider's employees to locate, isolate, and create an exact duplicate of all contents of communications, records, and other information associated with the subject account(s).

c. The terms "records," "information," "communications," "contents," and "files" include all of the items


described in Attachment A in whatever form and by whatever means they may have been created or stored, including, without limitation, any electronic or magnetic form (such as hard drives, floppy disks, CD-ROMs, backup tapes, and printouts or readouts from any such media), and any handmade, mechanical, or photographic form (such as writing, printing, typing, or photocopies).

d. The service provider's employees will provide the exact duplicate in electronic form (or in printouts if the original records are not in electronic form) of the subject account files to the agent who serves this search warrant, and the agent need not be present at the location specified in the warrant during the retrieval of records, as permitted by 18 U.S.C. § 2703(g).


e. Law enforcement personnel will thereafter review the information stored in the subject account files received from the service provider's employees and then identify the relevant communications, records, and information contained in the files.

Conclusion

13. Based upon the information contained in this application and affidavit, there is probable cause to conclude that on the computer systems owned, maintained, and/or operated by Google, Yahoo, and MSN Hotmail there exists evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 2252.


JAMES W. KILPATRICK
Special Agent - ICE

Subscribed and sworn to before
me this 3rd day of April, 2009


AMY REYNOLDS HAY
United States Magistrate Judge